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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,272	09/25/2001	Michael P. Lyle	RECOP018	9955

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/964,272

Applicant(s)

LYLE ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 15-17, 19-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 15-17, 19-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2137

DETAILED ACTION

1. Claims 1-11, 13, 15-17, 19-21, and 23-26 are pending.
2. Response filed 02/21/2007 has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 10, 11, 13, 15-17, 19-21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over I'Anson et al (EPO 0474932), further in view of Park (US 6363458), and further in view of Shanklin et al (US 6487666).

As per claims 1, and 19-21, I'Anson discloses identifying at least two valid states associated with the network protocol in which a first host system communicating with a second host system using the network protocol may be placed; defining at least one valid transition between a first state of the at least two valid states and a second state of the at least two valid states; determining that a connection under the network protocol

Art Unit: 2137

is in the first state; analyzing the stream based at least in part on the determination that the connection under the network protocol is in a first state to determine whether the packet is associated with the at least one valid transition (see p. 3 lines 22-39 and p. 4 lines 27-49).

I'Anson fails to disclose defining an invalid state with a plurality of transitions to the invalid state and expressing the at least one valid transition and the invalid transition in the form of a regular expression and using the regular expression to analyze the network protocol stream.

However, Park teaches the use of an invalid state with a plurality of transitions to the invalid state (see column 7 line 15 through column 8 line 41 and Figure 2a) and Shanklin et al teaches the use of regular expressions (see column 6 lines 39-57).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the invalid state with a plurality of transitions to the invalid state of Park and Shanklin et al's regular expressions defining all transitions to analyze the protocol of I'Anson.

Motivation to do so would have been to invalidate requests and to recognize and evaluate identifiers, special symbols, or other tokens.

As per claim 2, the modified I'Anson, Park, and Shanklin et al system discloses compiling the regular expression into computer code (see Shanklin et al column 6 lines 39-57).

As per claims 10-11, the modified I'Anson, Park, and Shanklin et al system discloses keeping track of which of the at least two states the first host system currently is in and changing the tracked state of the first host system from the first of the at least two states to the second of the at least two states in the event the analysis of the network protocol stream indicates the at least one valid transition has taken place (see I'Anson p. 4 lines 27-49).

As per claim 13, the modified I'Anson, Park, and Shanklin et al system discloses the invalid transition indicates that a security-related event has taken or is taking place and defining a further state corresponding to the invalid operation (see p. 4 lines 18-26 where the security related event is the intrusion of Shanklin et al as applied with Park).

As per claims 15-17, the modified I'Anson, Park, and Shanklin et al system discloses keeping track of which state, from the set comprising the at least two states and the further state, the first host system currently is in; and changing the state of the first host system to the further state in the event that the analysis of the network protocol stream indicates the

Art Unit: 2137

invalid operation has taken place and in the event that the analysis of the network protocol stream indicates the invalid operation has taken place, an indication that the invalid operation has taken place then discontinuing analysis of the network protocol stream once the state of the first host system has been changed to the further state (see I'Anson page 4).

As per claims 25 and 26, the modified I'Anson, Park, and Shanklin et al system discloses the invalid transitions correspond to a plurality of disallowed security events and performing error handling (see Shanklin column 2 lines 16-21 and Park column 8 lines 12-20).

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified I'Anson, Park, and Shanklin et al system as applied to claim 2 above, and further in view of Wijendran (AWK-to-C Translator).

As per claims 3-4, the modified I'Anson, Park, and Shanklin et al system fails to disclose the use of optimal C programming language code.

However, Wijendran teaches this optical C code (see page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Wijendran's optical C code in the modified I'Anson, Park, and Shanklin et al system.

Art Unit: 2137

Motivation to do so would have been to maximize runtime performance (see page 1).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified I'Anson, Park, and Shanklin et al system as applied to claim 2 above, and further in view of Mangione-Smith (How many vector registers are useful?).

As per claim 5, the modified I'Anson, Park, and Shanklin et al system fails to disclose the use of nearly optimal computer code.

However, Mangione-Smith teaches nearly optimal code (see page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Mangione-Smith's nearly optimal code in the modified I'Anson, Park, and Shanklin et al system.

Motivation to do so would have been that nearly optimal code requires less vector registers (see page 1).

7. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified I'Anson, Park, and Shanklin et al system as applied to claim 1 above, and further in view of Blam (US 6467041).

Art Unit: 2137

As per claim 6, the modified I'Anson, Park, and Shanklin et al system fails to disclose copying the stream to a third party to be analyzed.

However, Blam teaches a third party analyzer (see column 6 lines 5-29).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Blam's third party analyzer to analyze the protocol analyzer of the modified I'Anson, Park, and Shanklin et al system.

Motivation to do so would have been to perform the analysis regardless of what resources are on the network or client (see column 6 lines 5-29).

As per claims 7-9, the modified I'Anson, Park, Shanklin et al system, and Blam system discloses the network protocol stream comprises packets of data, each packet being associated with a sequence number indicating its position relative to other packets in the protocol stream, and the third system reassembles the packets into the order indicated by the respective sequence numbers of the packets received where a copy of the network protocol stream is maintained in the third system until analysis has been completed and in the event the packets are received by the third system in sequence number order, a copy is maintained in the third system only of those packets comprising the portion

Art Unit: 2137

of the network protocol currently under analysis (see I'Anson pages 4-5 and Blam column 6 lines 5-29).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified I'Anson, Park, and Shanklin et al system as applied to claim 1 above, and further in view of Brown et al (US 6604075).

As per claim 23, the modified I'Anson, Park, and Shanklin et al system fails to disclose performing error handling that is specific for one of the plurality of invalid transitions.

However, Brown et al teaches the error handling of a specific invalid state (see column 11 lines 9-18).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include error handling of a specific invalid state in the modified I'Anson, Park, and Shanklin et al system.

Motivation to do so would have been that the error needs to be handled by an application or user with specific knowledge associated with the processing.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified I'Anson, Park, and Shanklin et al system as applied to claim 1 above, and further in view of Oran (US 6275574).

Art Unit: 2137

As per claim 24, the modified I'Anson, Park, and Shanklin et al system fails to disclose grouping the regular expressions according to their similarity.

However, Oran teaches such grouping (see column 8 lines 8-21).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to group the regular expressions of the modified I'Anson, Park, and Shanklin et al system.

Motivation to do so would have been to define precedence for the regular expressions.

Response to Arguments

10. Applicant's arguments filed 02/21/2007 have been fully considered but they are not persuasive. Applicant argues that Park is non-analogous art and the modified I'Anson, Park, and Shanklin et al system fails to disclose a plurality of transitions from the first state to the invalid state.

With respect to Applicant's argument that Park is non-analogous art it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis

Art Unit: 2137

for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case Applicant's invention relates to using a regular expression to define transitions between states when analyzing a protocol for security related events. Park is related to the present invention in that Park discloses a network protocol (reading and writing from local or remote nodes to a home node) and defining states to analyze this protocol (valid read and write states and an invalid state). Both Applicant's present invention and Park relate to analyzing a network protocol for events, which trigger an invalid state; therefore Park is analogous art.

With respect to Applicant's argument that the modified I'Anson, Park, and Shanklin et al system fails to disclose a plurality of transitions from the first state to the invalid state Park teaches a transition from a first state (the read only state) to an invalid state and also from the read only state to the write transit state to the read state to the invalid state. Therefore because there is a second transition (although through different states) from the read only state to the invalid state the modified I'Anson, Park, and Shanklin et al system discloses a plurality of transitions from the first state to the invalid state.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-38655. The fax phone number for the

Art Unit: 2137

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


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